

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:) **Case No.** 19-23099-CMB
Jeffrey Kenavey)
 Debtor,) **Chapter 13**
PNC Bank National Association,)
 Movant,) **Related Document No.** 24-23
 vs.) **Hearing Date:** 11/20/19 @ 10:00 a.m.
Jeffrey Kenavey,) **Response Due:** 11/10/19
Ronda J. Winnecur, Ch 13 Trustee)
 Respondent.) **Document No.**

RESPONSE TO THE MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, come the Debtor, by and through his counsel, Calaiaro Valencik, and presents the following:

1. Admitted.
2. Denied as stated. The Debtor is still the owner of record of 125 Diane Drive Monongahela, PA 15063. The sheriff's deed has not been recorded. Further, the Debtor can and will cure and reinstate the mortgage during the course of this Chapter 13 bankruptcy case with a plan confirmed on October 18, 2019.
3. Admitted. But by way of further response, the Debtor believes and therefore avers that the Movant has consented to the jurisdiction of the Bankruptcy Court by filing a proof of claim and allowing the debtor's plan to be confirmed without objection.
4. Denied as stated. Debtor denies that he was provided proper notice and that the sale was "properly advertised."
5. This paragraph is a conclusion of law to which the Debtor is not required to plead under the Federal Rules of Civil Procedure. By way of further response, the Debtor disputes that a sheriff sale can be held based upon faulty service, an improperly entered judgement and/or an improperly advertised sale.

6. Denied as knowingly false. Employees and/or agents of the Movant have engaged in a self-help eviction by changing the locks on the property post-petition without relief from stay or an ejectment proceeding. Further, those employees/agents have disposed of Debtor's family's personal property post-petition in violation of the automatic stay.

7. This paragraph is a conclusion of law to which the Debtor is not required to plead under the Federal Rules of Civil Procedure. By way of further response, the Debtor can and will cure and reinstate the mortgage during the course of this Chapter 13 bankruptcy case with a plan confirmed on October 18, 2019.

WHEREFORE the Debtor requests this Court deny the relief requested by the Movant and further **ORDER** the Movant to return his personal property which they had no claim on and was removed post-petition in violation of the automatic stay.

Respectfully submitted,

Date: 11/8/2019

BY: /s/ David Z. Valencik
David Z. Valencik, Esquire, PA I.D. #308361
dvalencik@c-vlaw.com
CALAIARO VALENCIK
938 Penn Avenue, Suite 501
Pittsburgh, PA 15222-3708
(412) 232-0930

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:) **Case No.** 19-23099-CMB
Jeffrey Kenavey)
 Debtor,) **Chapter 13**
PNC Bank National Association,)
 Movant,) **Related Document No.** 24-23
 vs.) **Hearing Date:** 11/20/19 @ 10:00 a.m.
Jeffrey Kenavey,) **Response Due:** 11/10/19
Ronda J. Winnecour, Ch 13 Trustee)
 Respondent.) **Document No.**

**CERTIFICATE OF SERVICE OF Response to Motion for
Relief from the Automatic Stay**

I certify under penalty of perjury that I served the above captioned Order on the parties at the addresses specified below or on the attached list on November 8, 2019.

Service by E-mail:

Jeffrey Kenavey, 25 Diane Drive, Monongahela, PA 15063; Jkenavey@comcast.net

Service by NEF:

Office of the United States Trustee
ustpregion03.pi.ecf@usdoj.gov

James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION
bkgroup@kmllawgroup.com

Ronda J. Winnecour
cmeef@chapter13trusteewdpa.com

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) were: Electronic Notification.

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, the names and addresses of parties served by electronic notice will be listed under the heading "Service by Electronic Notification," and those served by mail will be listed under the heading "Service by First-Class Mail."

Executed on: November 8, 2019

/s/ David Z. Valencik

David Z. Valencik, Esquire, PA I.D. #308361
dvalencik@c-vlaw.com

CALAIARO VALENCIK
938 Penn Avenue, Suite 501
Pittsburgh, PA 15222-3708
(412) 232-0930